

## REMARKS

In accordance with the foregoing, claims 1, 2, 5, 6, 9, 10 are amended. No new matter is added. Claims 12-14 remain cancelled. Claims 1-11 are pending and under consideration.

### NON-COMPLIANT AMENDMENT

Upon receiving the Notice of Non-Compliant Amendment relative to an alleged filing of the previous Amendment on June 7, 2007, Applicants' representative tried unsuccessfully to contact Examiner Casler and then contacted Examiner Weiss because Applicants and Applicants' representative have no record that such a filing existed. If such a filing originated from the Applicants it was unintended. Examiner Weiss concurred that this alleged filing is odd, but expressed the opinion that it is not necessary to trace back the origin of this mistake, because the Notice has no negative impact, and merely resets the due date for response to September 14, 2007. Therefore, no time-extension fee is filed herewith.

### CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claims 1-11 have been rejected under 35 U.S.C. §112 second paragraph because the phrase "assigning correspondences" is allegedly indefinite. Applicants make herewith a *bona-fide* effort to clarify the intended meaning of the indicated phrase, by amending the claims to recite, for example, "assigning correspondences between each of the dialogue scenarios and one or more destination addresses." Applicants also respectfully direct the Examiner's attention to FIGS. 2 and 3 together with the corresponding descriptions in the specification on page 2, line 5 to page 3, line 9. FIG. 2 illustrates correspondences between each of the dialogue scenarios and destination addresses, for example, a correspondence between the dialogue scenario "dvd.vxml" and the Log Send Addresses "ftp.alpha.com, ftp.beta.com and ftp.gamma.com." FIG. 3 illustrates correspondences between customer-identifying data and customer information, for example, customer ID 4706 and name, sex, age, occupation, and e-mail of that customer. In view of the claim amendments and the above explanations, Applicants respectfully request withdrawal of the rejections.

### CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1-4, and 8-11 are rejected under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent No. 6,381,744 by Nanos et al. (hereinafter "Nanos").

Nanos is directed to a survey kiosk installed at a location without access to standard telephone lines, which can be reprogrammed, permits open-ended answers, and sends survey responses to a client (see Nanos, Abstract).

The Office Action provides no support to the assertion that Nanos anticipates claim 1 at least regarding "assigning correspondences between each of the dialogue scenarios and one or more destination addresses" and "storing the dialogue content received at the destination addresses" (portions of claim 1 reproduced before amendment). As cited in MPEP 2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053, Fed. Cir. 1987) (emphasis added).

The following table summarizes the support in Nanos indicated in the outstanding Office Action relative to the features of claim 1.

Claim 1	Nanos
storing dialogue scenarios	"a central processing unit including memory means for storing said survey ..." (col. 4, lines 52-55)
assigning correspondences between the dialogue scenarios and destination addresses;	<b>No description.</b>
extracting from the dialogue scenarios a dialogue scenario to be performed	"means for sequentially displaying each inquiry in the survey" (col. 4, line 55)
holding a dialogue with a customer following the dialogue scenario	"administering a survey" (col. 4, line 49)
acquiring dialogue content from the dialogue	"means for receiving survey responses" (col.4 line 56)
transmitting the dialogue content to the destination addresses corresponding to the dialogue scenario	"As can be seen from FIG. 3, the kiosk may periodically send draft aggregate reports to an authorized third party" (col. 7, lines 60-63).
storing the dialogue content received at the destination addresses	<b>No description.</b>
outputting the dialogue content at the	"... an remote off-site computer 100 which will

destination addresses corresponding to the dialogue scenario.	warehouse and transfer coded respondent feedback and reports to the client." (col. 7, lines 34-35.
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(See item 4 on page 3 of the outstanding Office Action.)

Further, the indicated portion of Nanos does not anticipate "extracting from the dialogue scenarios a dialogue scenario to be performed." In Nanos, only one survey is performed, i.e. one dialogue scenario. Inquiries (questions) of the one survey are not extracted, but merely sequentially displayed (see col. 4, line 55 of Nanos).

Nanos does not anticipate "transmitting the dialogue content to the one or more destination addresses corresponding to the extracted dialogue scenario." Nanos discloses submitting survey responses to a client following completion of the survey or by communicating at regular times, and sending "aggregate reports" to a designated third party (see col. 7 lines 34-35 and 60-63). However, Nanos uses only one survey, i.e. dialogue scenario, for one client. Nanos does not disclose multiple dialogue scenarios from which one is extracted, and one or more destination addresses corresponding to the extracted dialogue scenario.

Last but not least, Nanos does not anticipate "storing the dialogue content received at the one or more destination addresses" and "outputting the dialogue content at the one or more destination addresses corresponding to the extracted dialogue scenario." The mere transmission to the client does not positively identify storing the dialogue content to the destination. Additionally, both the above cited "storing" and "outputting" are performed at the one or more destination addresses, which is not the same as "warehousing and transferring feedback to the clients."

Therefore, Nanos fails to teach or suggest every feature recited in claim 1, so that claim 1 patentably distinguishes over Nanos. Accordingly, Applicants respectfully traverse, and request reconsideration of the rejection based on Nanos.<sup>1</sup>

Claim 2 patentably distinguishes over Nanos at least by reciting:

- a dialogue scenario storage unit storing dialogue scenarios;
- a scenario storage unit storing and assigning correspondences between each of the dialogue scenarios and destination addresses;

<sup>1</sup> See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

- an extraction unit extracting from the dialogue scenarios, a dialogue scenario to be performed; and
- an information transmission unit transmitting the dialogue content to the destination addresses corresponding to the extracted dialogue scenario.

Claims 3-8 are also patentable at least by inheriting patentable features from independent claim 2 from which they depend.

Claim 9 patentably distinguishes over Nanos by reciting:

- storing dialogue scenarios;
- assigning correspondences between each of the dialogue scenarios and destination addresses;
- extracting from the dialogue scenarios, a dialogue scenario to be performed; and
- transmitting the dialogue content to the destination addresses corresponding to the extracted dialogue scenario.

Claim 10 patentably distinguishes over Nanos by reciting:

- a dialogue scenario storage unit storing dialogue scenarios;
- a scenario storage unit assigning correspondences between each of the dialogue scenarios and destination addresses;
- an extraction unit extracting from the dialogue scenarios, a dialogue scenario to be performed; and
- an information transmission unit transmitting the dialogue content to the destination addresses corresponding to the extracted dialogue scenario.

Claim 11, depending from claim 10, is also patentable by inheriting patentable features from claim 10, but also by reciting additional patentable features.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §103**

Claims 5-7 are rejected under 35 U.S.C. §103(a) as being allegedly obvious over Nanos in further view of U.S. Patent Application Publication 2002/0128898 to Smith et al. ("Smith").

Smith fails to correct or compensate for the above-identified deficiencies of Nanos in anticipating all the features of the independent claims. Therefore, Applicants respectfully submit that claims 5-7 are not rendered obvious by Nanos and Smith, alone or in combination.

**CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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